

AN ACT

RELATING TO PUBLIC EMPLOYMENT; AUTHORIZING PAYMENT FOR WORK PERFORMED BY ONE PUBLIC EMPLOYEE FOR ANOTHER PUBLIC EMPLOYEE WHEN APPROVED BY THE EMPLOYER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-23-2 NMSA 1978 (being Laws 1963, Chapter 303, Section 23-2) is amended to read:

"30-23-2. PAYING OR RECEIVING PUBLIC MONEY FOR SERVICES NOT RENDERED.--Paying or receiving public money for services not rendered consists of knowingly making or receiving payment or causing payment to be made from public funds where such payment purports to be for wages, salary or remuneration for personal services which have not in fact been rendered.

Nothing in this section shall be construed to prevent the payment of public funds where such payments are intended to cover lawful remuneration to public officers or public employees for vacation periods, absences from employment because of sickness, work performed voluntarily by one public employee substituting for another public employee in accordance with the provisions established by the federal Fair Labor Standards Act of 1938 or for other lawfully authorized purposes.

Whoever commits paying or receiving public money for services not rendered is guilty of a fourth degree felony." HB 550
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